

HARPSWELL WHARF APPROVAL

Each applicant who applies for a wharf is required to read, sign and submit this form with a completed application.

When the Harpswell Board of Selectmen gives final approval to a wharf/ramp/float application pursuant to 38 MRSA §1022, **construction cannot begin** until the applicant has met all other legal requirements, which may include, but are not limited to approvals of the:

• **U.S. Army Corps of Engineers,
Department of Environmental Protection,
Submerged Lands Program of the Bureau of Lands and Parks**
as well as relevant property ownership or rights of usage.

I understand as an applicant that I am asserting right, title or interest in the intertidal area, and that the Town, in issuing the permit, has made no judgment as to the accuracy of that claim and therefore, I, as the applicant, assume any and all related risks regarding this claim.

I certify that I will obtain all necessary rights and approvals to construct the wharf system for which I have applied, **before** beginning construction and understand that a false statement may be a violation of 17-A MRSA §456.

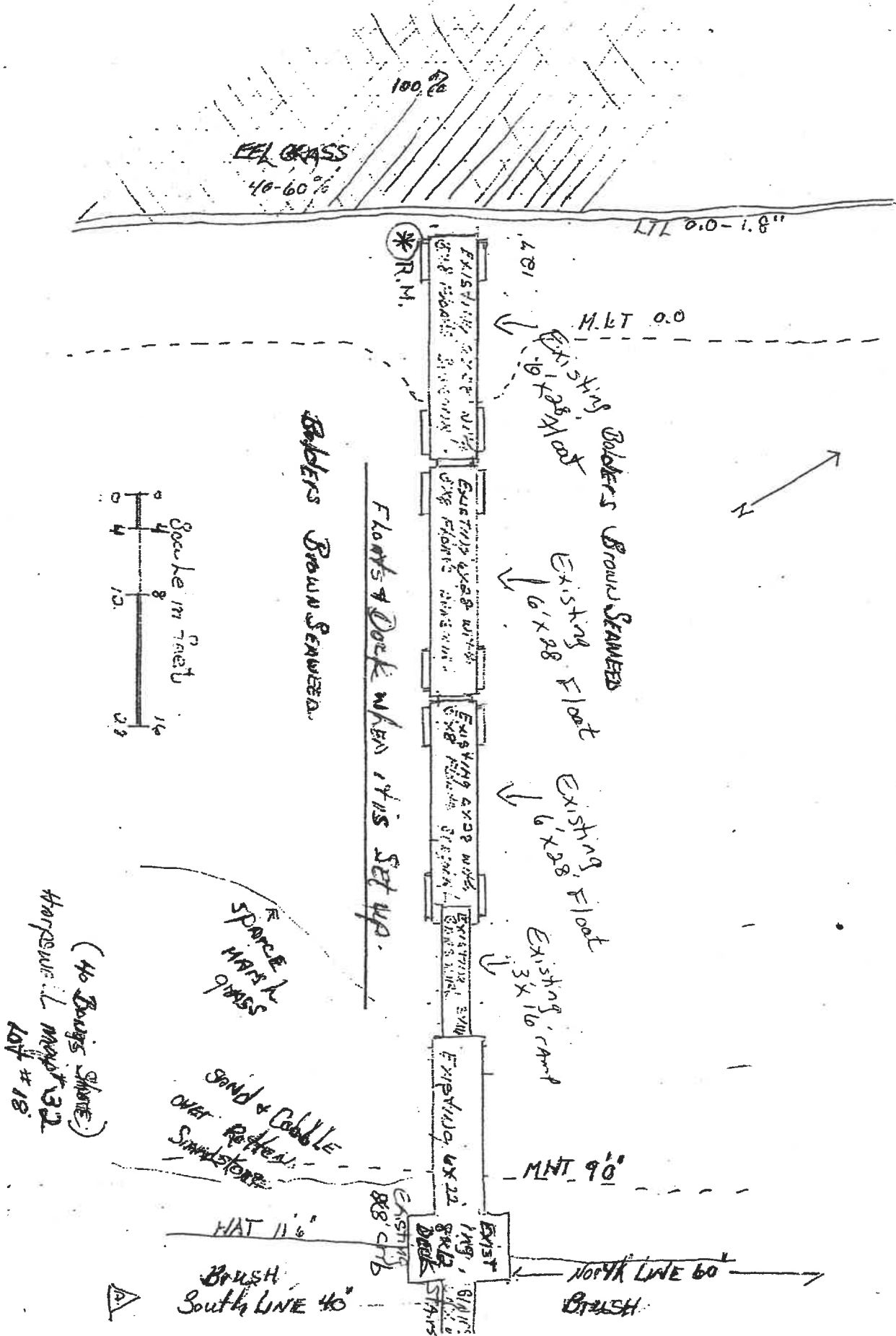
All approvals are required to be on file with the Code Enforcement Office prior to the start of work, or a double fee will be imposed.

Date 11/20/21

William J. Fox Pagliaro
Applicant

Map # 32 Lot # 18

Diagram A1



Boulders Brown Seaweed

Scale in Feet
0 4 8 12 16 20

(40 Boulders Shown)
Harpoon L. map #32
Lot #18

Sand & Cobble
over Refill
Sandstone

Redfish & Associates, Inc.
Benjamin Wallace, Sr.
50 Holbrook Street
Harpwell, ME 04079
Phone (207) 729-0772

November 2021

Town of Harpswell
DEP
Army Corp

RE: Letter of Justification
Robert Paglione Jobsite Map #32 Lot #18

This jobsite already has a set of stairs that goes to a small dock, supported by one stone filled crib, and a series of three 6'X28' floats to gain access to the water. The existing system is in serious need of replacing and the landowner would like a different design, preferably one with more stability and safety. The existing design is a mess, which is why we are filling out a NRPA. He does not want a newer version of what he has, so we won't be using the same footprint. We will, however, be using the same location to avoid further disturbance of the environment.

The new, safer, and more stable design proposes replacing the existing 4'X16' stairs with the same. Replacing the existing 8'X8' crib with the same. Replacing the existing 8'X12' deck and 6'X22' dock with a 6'X74' dock, supported by two additional 8'X8' stone filled wooden cribs. A new 3'X40' seasonal ramp and a single 12'X20' float supported by two 6-inch by 20-foot keels with the floatation 18-inches above the mudflats. The float will also be anchored by 2 moorings set in a north south direction to avoid the Eel grass.

The cribs are needed to support the new dock because the substrate is too rotten with not enough depth resistance to hold pilings.

Sincerely,

Mrs. Darling
Redfish & Associates, Inc.



17 State House Station, Augusta, Maine 04333
Bureau of Land Resources

Request for Project Review

TO: Harpswell Code Enforcement-Bill Wells, DMR, IF&W, Shoreland Zoning – Jeffrey Kalinich,
Submerged Lands – Karen Foust, USACE-LeeAnn Neal

DATE: December 1, 2021

FROM: Jessica Sayers, Project Manager
at (207) 275-9836 or jessica.sayers@maine.gov

Please review the project identified below and submit comments by the requested deadline.
Questions may be directed to the DEP Project Manager. **Please contact the Project Manager if you have not received a copy of the application.**

The deadline for agency comments is

December 23, 2021

DEP Application #: L-29467-4P-A-N

Applicant Name: Robert Paglione

Project Name: Residential Pier System

Consultant: Ben Wallace,
Redfish Associates

Location: Harpswell

Phone/Email: (207) 729-0772
seaphantom@juno.com

Notes to Reviewers:

The applicants propose to replace a residential pier system and stairs. The proposed pier system includes a 6-foot by 74-foot dock, a 3-foot by 40-foot seasonal ramp, a 12-foot by 20-foot seasonal float, and a 4-foot by 15-foot set of stairs. The proposed project is located at 40 Bangs Shore Road in the town of Harpswell Maine. The DEP has accepted the application for review.

This is a ☒ NRPA or ☐ Site Location of Development Act application.

After a thorough review of the above project, as presented to us, and in consideration of our agency's standards, programs and responsibilities, the following comments are submitted to the Department of Environmental Protection:

(Comments must be signed and dated in order to be accepted by this Department. If additional space is needed, please attach another sheet).

SIGNATURE: _____ **DATE:** _____

**APPENDIX A: MDEP VISUAL EVALUATION
FIELD SURVEY CHECKLIST**
(Natural Resources Protection Act, 38 M.R.S. §§ 480 A - Z)

Name of applicant: Robert Paglione Phone: Call Agent
 Application Type: NRPA
 Activity Type: (brief activity description) _____
 Activity Location: Town: Harpeswell County: Cumberland
 GIS Coordinates, if known: _____
 Date of Survey: July 12, 2021 Observer: Ben Wallace Phone: 207-729-0772

	Distance Between the Proposed Visibility Activity and Resource (in Miles)		
	0-1/4	1/4-1	1+
1. Would the activity be visible from:			
A. A National Natural Landmark or other outstanding natural feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. A State or National Wildlife Refuge, Sanctuary, or Preserve or a State Game Refuge?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C. A state or federal trail?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D. A public site or structure listed on the National Register of Historic Places?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E. A National or State Park?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F. 1) A municipal park or public open space?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) A publicly owned land visited, in part, for the use, observation, enjoyment and appreciation of natural or man-made visual qualities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) A public resource, such as the Atlantic Ocean, a great pond or a navigable river?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. What is the closest estimated distance to a similar activity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. What is the closest distance to a public facility intended for a similar use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Is the visibility of the activity seasonal? (i.e., screened by summer foliage, but visible during other seasons)		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
5. Are any of the resources checked in question 1 used by the public during the time of year during which the activity will be visible?		<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

(Water body)

A listing of National Natural Landmarks and other outstanding natural features in the State of Maine can be found at: www.nature.nps.gov/nnl/Registry/USA_map/states/Maine/maine.htm. In addition, unique natural areas are listed in the Maine Atlas and Gazetteer published by DeLorme.

(pink)

**APPENDIX B: MDEP COASTAL WETLAND CHARACTERIZATION:
INTERTIDAL & SHALLOW SUBTIDAL FIELD SURVEY CHECKLIST**

NAME OF APPLICANT: Robert Paglione PHONE: Call Agent
APPLICATION TYPE: NRPA
ACTIVITY LOCATION: TOWN: Harpeswell COUNTY: Cumberland

ACTIVITY DESCRIPTION: ☐ fill ☐ pier ☐ lobster pound ☐ shoreline stabilization
☐ dredge ☐ other: _____

DATE OF SURVEY: July 12, 2021 OBSERVER: Ben Wallace Sr

TIME OF SURVEY: 8:30 am TIDE AT SURVEY: Low

SIZE OF DIRECT IMPACT OR FOOTPRINT (square feet):

Intertidal area: 200 pilings + ribs + Subtidal area: 240 float

SIZE OF INDIRECT IMPACT, if known (square feet):

Intertidal area: _____ Subtidal area: _____

HABITAT TYPES PRESENT (check all that apply):

☐ sand beach ☐ boulder/cobble beach ☐ sand flat ☒ mixed coarse & fines ☐ salt marsh
☐ ledge ☒ rocky shore ☐ mudflat (sediment depth, if known: 2'-8')

ENERGY: ☐ protected ☒ semi-protected ☐ partially exposed ☐ exposed

DRAINAGE: ☒ drains completely ☐ standing water ☐ pools ☐ stream or channel

SLOPE: ☐ >20% ☐ 10-20% ☒ 5-10% ☐ 0-5% ☐ variable

SHORELINE CHARACTER:

☐ bluff/bank (height from spring high tide: _____) ☐ beach ☐ rocky ☒ vegetated

FRESHWATER SOURCES: ☐ stream ☐ river ☐ wetland ☒ stormwater

MARINE ORGANISMS PRESENT:

	absent	occasional	common	abundant
mussels	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
clams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
marine worms	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
rockweed	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
eelgrass	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
lobsters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> survey enclosed
other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SIGNS OF SHORELINE OR INTERTIDAL EROSION?

☐ yes ☒ no

PREVIOUS ALTERATIONS?

☒ yes ☐ no

CURRENT USE OF SITE AND ADJACENT UPLAND:

☐ undeveloped ☒ residential ☐ commercial ☐ degraded ☐ recreational

PLEASE SUBMIT THE FOLLOWING:

☒ Photographs ☒ Overhead drawing

(pink)

Natural Resource Protection Act Application
APPENDIX D: Project Description Worksheet for a Dock, Pier or Wharf Application.

Help us process your application more efficiently by completing this worksheet, which is supplemental to a NRPA application for a dock, pier or wharf. A completed Appendix D may be substituted for Block 14 of the application page.

THIS IS AN APPLICATION FOR A.....

☐ Commercial wharf

If yes, indicate type of commercial activity: _____

License number: _____

Number of fishermen using this wharf: _____

☐ Public pier, dock or wharf

☐ Common or shared recreational pier, dock or wharf

☐ Private recreational pier, dock or wharf

☒ Expansion or modification of an existing structure

☐ Other, please indicate: _____

TELL US ABOUT YOUR BOAT....

My boat(s) requires a draft of .5 feet.

My boat(s) is 14' feet long.

2 Kayaks

TELL US ABOUT YOUR PROJECT SITE.... For coastal piers and wharves, please complete Appendix B of the NRPA application. For freshwater docks, please describe the substrate and any vegetation: _____

SCENIC CONSIDERATIONS... Please complete Appendix A of the NRPA application.

WHAT FACILITIES ARE NEARBY?

N/A Replacement Structure

The nearest public boat launch is located in _____ approximately _____ miles from the project location.
(town) (distance)

The nearest public, commercial, or private marina is located in _____ approximately _____ miles from the project location.
(distance) (town)

☐ I have inquired about slip or mooring availability at the nearest marina or public facility.

☐ Yes, a slip or mooring is available. ☐ No, a slip or mooring is not available.

Approximate expected time on waiting list: _____

☐ I have contacted the local Harbor Master.

Name: _____ Phone: _____

I currently use the following for my boat: ☐ Mooring ☐ Marina

TELL US ABOUT YOUR PROPOSED PIER, DOCK OR WHARF...

MATERIALS:

- ☒ The structure will be supported by pilings.
_____ pilings of 8 inches in diameter
- ☐ The structure will be supported by stacked, flow-through granite cribs.
_____ blocks, measuring _____ feet by _____ feet
- ☐ The structure will be supported by solid fill.
_____ square feet of solid fill
- ☒ Other: three 8' x 8' stone filled wooden cribs

DIMENSIONS:

Length of fixed section: _____
Width of fixed section: _____
Length of ramp: _____
Dimensions of float: _____
Distance the structure will extend below mean low water (MLW): 12 feet wide by 20 feet long
Depth of water at the fixed end of the structure: 0 feet
Depth of water at the float at low tide: 12 feet
Depth of water at the float at high tide: 0 feet
Dimensions of any proposed buildings (e.g. bait shed): N/A
_____ feet high by _____ feet wide by _____ feet long

ACCESS:

During construction, my project site will be accessed via:

- ☐ Land
- ☐ Beach/intertidal area
- ☒ Water/barge

10 October 2020

Re: Eel grass survey for Harpswell, Maine
Tax map 32 lot 18
40 Bangs Shore Rd,
Harpswell, Maine 04079

This is a record of the Eel grass survey conducted by Benjamin Wallace Sr of Red fish and Assoc. Inc. on the property at Harpswell tax map 32 lot 18. Two visits were made on the listed times and dates and it was noted that there was a full meadow of eel grass present.

- 1st visit
0800 8-22-20 tide -1.2
- 2nd visit
0650 09-19-20 tide -1.2

This project is a new construction project which replaces an exiting float system of 504 square feet with a new system of 240 square feet. The new float will set on two six inch by 20 foot keels with the flotation 18 inches above the mud flats.

All moorings will be set in a north south direction to avoid the eel grass.

Access to the float will be three feet above mean low tide line.

Respectfully,
Benjamin Wallace Sr.

Red fish and Associates Inc
89 B Depot Rd.
Gray, Maine 04039

Paglione Jobsite



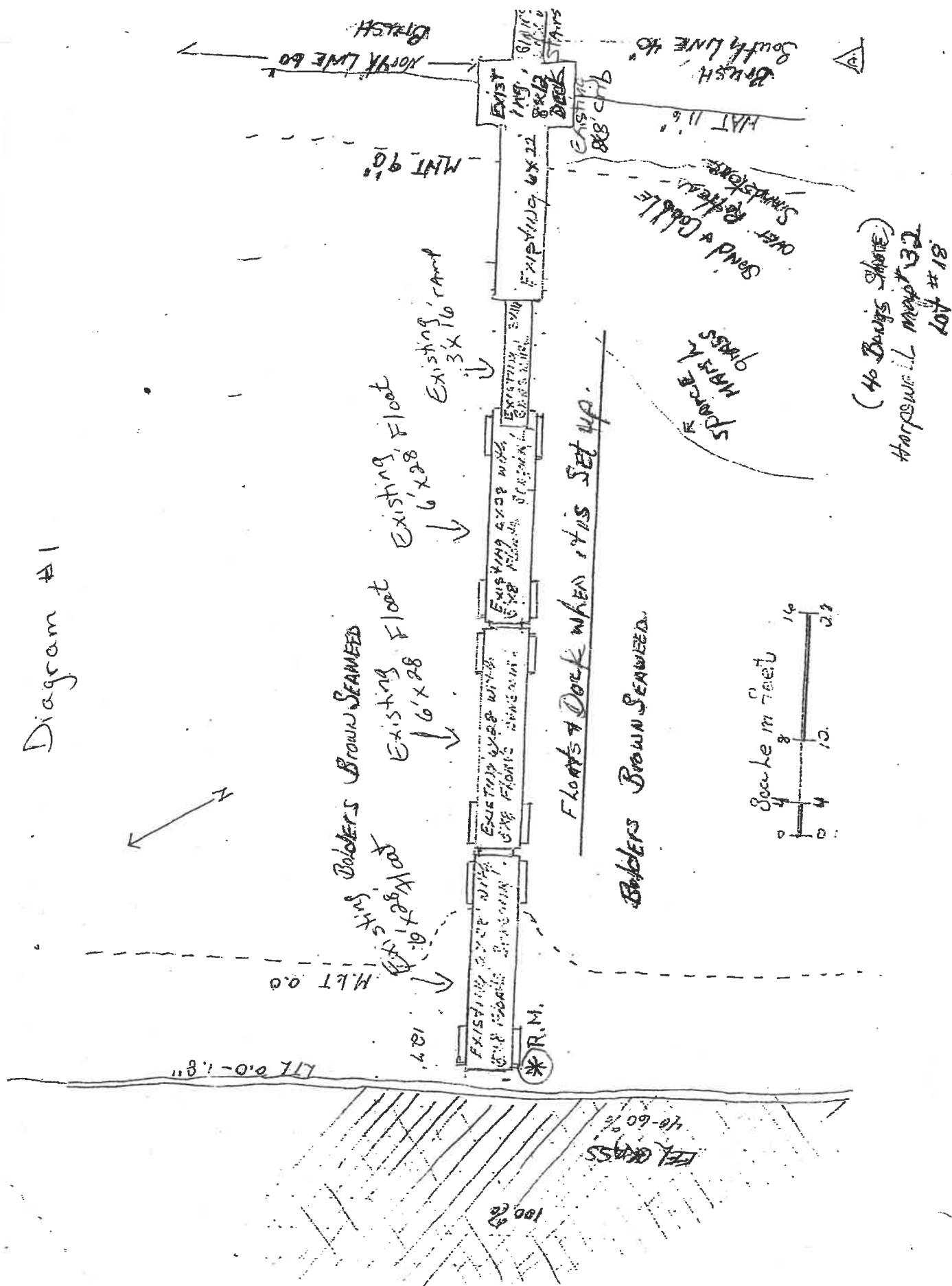
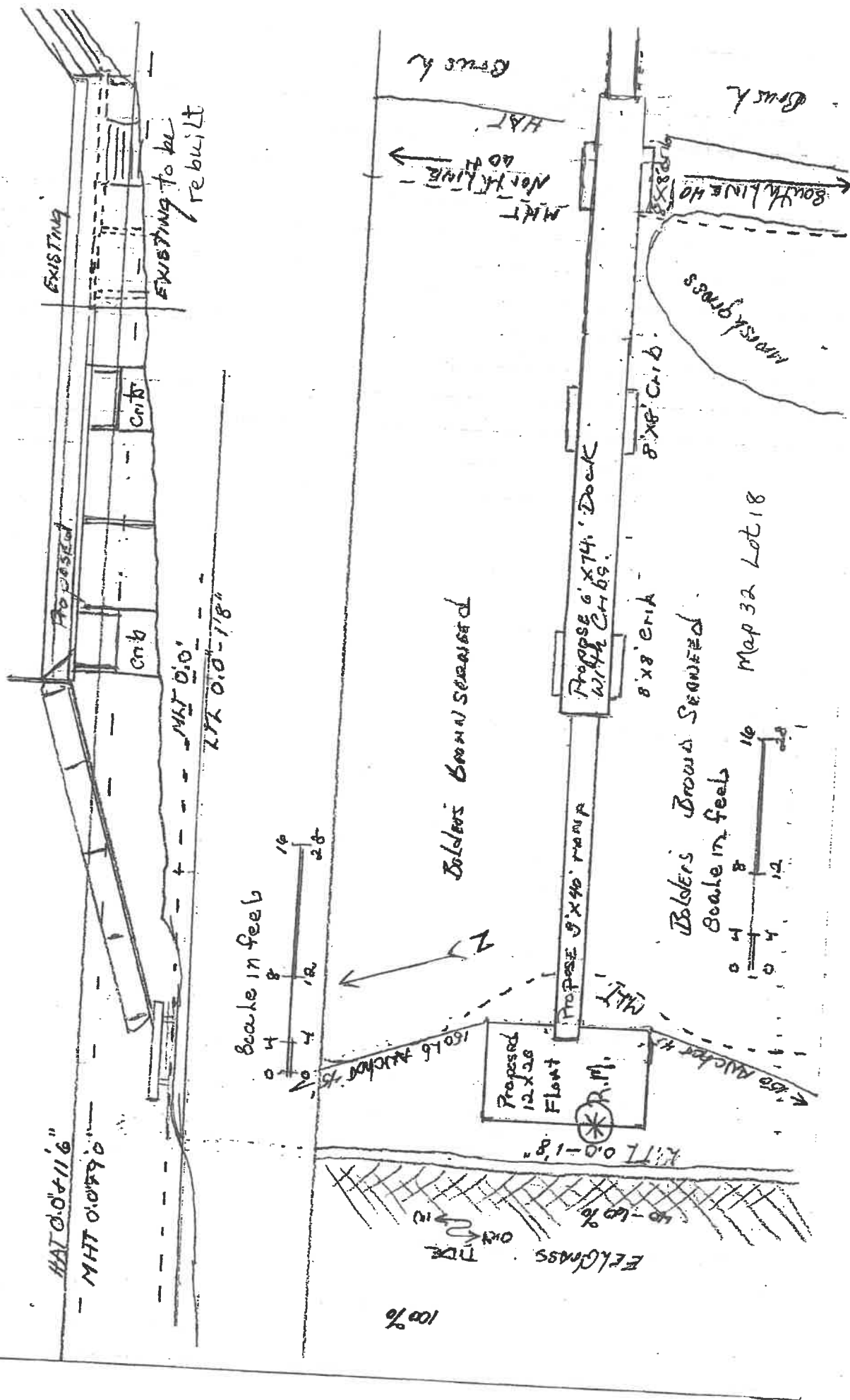


Diagram #2



Paglione – Low Tide



Paglione – High Tide



PUBLIC NOTICE FILING AND CERTIFICATION

08/08

Department Rules, Chapter 2, require an applicant to provide public notice for all Tier 2, Tier 3 and individual Natural Resources Protect Act projects. In the notice, the applicant must describe the proposed activity and where it is located. "**Abutter**" for the purposes of the notice provision means any person who owns property that is BOTH (1) adjoining and (2) within one mile of the delineated project boundary, including owners of property directly across a public or private right of way.

1. **Newspaper:** You must publish the Notice of Intent to File in a newspaper circulated in the area where the activity is located. The notice must appear in the newspaper within 30 days prior to the filing of the application with the Department. You may use the attached Notice of Intent to File form, or one containing identical information, for newspaper publication and certified mailing.
2. **Abutting Property Owners:** You must send a copy of the Notice of Intent to File by certified mail to the owners of the property abutting the activity. Their names and addresses can be obtained from the town tax maps or local officials. They must receive notice within 30 days prior to the filing of the application with the Department.
3. **Municipal Office:** You must send a copy of the Notice of Intent to File and a **duplicate of the entire application** to the Municipal Office.

ATTACH a list of the names and addresses of the owners of abutting property.

CERTIFICATION

By signing below, the applicant or authorized agent certifies that:

5. A Notice of Intent to File was published in a newspaper circulated in the area where the project site is located within 30 days prior to filing the application;
6. A certified mailing of the Notice of Intent to File was sent to all abutters within 30 days of the filing of the application;
7. A certified mailing of the Notice of Intent to File, and a duplicate copy of the application was sent to the town office of the municipality in which the project is located; and
8. Provided notice of and held a public informational meeting, if required, in accordance with Chapter 2, Rules Concerning the Processing of Applications, Section 13, prior to filing the application. Notice of the meeting was sent by certified mail to abutters and to the town office of the municipality in which the project is located at least ten days prior to the meeting. Notice of the meeting was also published once in a newspaper circulated in the area where the project site is located at least seven days prior to the meeting.

The Public Informational Meeting was held on N/A
Date

Approximately N/A members of the public attended the Public Informational Meeting.


Signature of Applicant or authorized agent

11/12/21
Date

DEP
Army Corp

RE: Robert Paglione Jobsite
Harpwell Map 32, Lot 18

Activity Description

Proposed construction of a replacement of residential dock system. This project will have five components and will not use the same footprint.

1. A replacement of existing 4'X16' stairs with same
2. A replacement of existing 8'X12' deck and existing 6'X22' dock with a single 6'X74' dock
3. A replacement of existing 8'X8' crib with same plus an additional two 8'X8' stone filled cribs.
4. A 3'X40' seasonal ramp
5. A 12'X20' seasonal float with keels and moorings to avoid the Eel grass. This single float will replace the three 6'X28' existing floats.

Alternate Analysis

This jobsite was already chosen because it is a replacement of an existing structure, with modifications.

Construction Details

As stated in Appendix D, the materials will be brought by barge to the jobsite. Work on this project will be between tides, from half tide, through low tide, and halfway back to high tide. The contractor begins construction of the dock at the upland side, cribs first, then the decking, then the railing posts. The seasonal ramp and float are built off site and brought to the jobsite by barge. The seasonal ramp will be placed on the dock for winter storage and the seasonal float will be trailered for winter storage.

For this project all wood will be Pressure Treated Southern Yellow Pine. All bolts, nails, chains, and anchors will be galvanized steel.

There is also a detailed description of the proposed replacement in the letter of justification.

Erosion Control

There will be very minimal soil disturbance to the intertidal area during construction of the dock, only what is needed for the cribs.

There will be no trees < 3" cut for this proposed construction.

All materials and tools come by barge and stay on the barge. There is foot traffic only on the beach and the intertidal area. No activity or materials are brought across the upland. The contractor recognizes that any fixed structure has an impact on the environment. Because of this he always proposes the minimum structure necessary to get the landowners over the substrate and limit the area of impact.

Site Condition

Ben Wallace has more than 30 years' experience with dock building and deciphering the wetlands. He always fills out the Appendix B. He recognizes that this jobsite has marsh grass, nearby. The proposed structure will conform to the 6 foot clearance required by the DEP for height and impact over the marsh grass. The marsh grass is a high valued habitat and the height of the dock is very important to prevent shading. Also there is an Eel grass bed that he has avoided disturbing by putting the moorings in a north/south position. He has also submitted an Eel grass survey.

Redfish & Associates, Inc.

Benjamin Wallace, Sr.
50 Holbrook Street
Harpwell, ME 04079
Phone (207) 729-0772

November 2021

Town of Harpswell
DEP
Army Corp

RE: Letter of Justification
Robert Paglione Jobsite Map #32 Lot #18

This jobsite already has a set of stairs that goes to a small dock, supported by one stone filled crib, and a series of three 6'X28' floats to gain access to the water. The existing system is in serious need of replacing and the landowner would like a different design, preferably one with more stability and safety. The existing design is a mess, which is why we are filling out a NRPA. He does not want a newer version of what he has, so we won't be using the same footprint. We will, however, be using the same location to avoid further disturbance of the environment.

The new, safer, and more stable design proposes replacing the existing 4'X16' stairs with the same. Replacing the existing 8'X8' crib with the same. Replacing the existing 8'X12' deck and 6'X22' dock with a 6'X74' dock, supported by two additional 8'X8' stone filled wooden cribs. A new 3'X40' seasonal ramp and a single 12'X20' float supported by two 6-inch by 20-foot keels with the floatation 18-inches above the mudflats. The float will also be anchored by 2 moorings set in a north south direction to avoid the Eel grass.

The cribs are needed to support the new dock because the substrate is too rotten with not enough depth resistance to hold pilings.

Sincerely,

Mrs. Darling
Redfish & Associates, Inc.

U.S. Army Corps of Engineers (USACE)
APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT
33 CFR 325. The proponent agency is CECW-CO-R.

Form Approved -
OMB No. 0710-0003
Expires: 02-28-2022

The public reporting burden for this collection of information, OMB Control Number 0710-0003, is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Service, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR APPLICATION TO THE ABOVE EMAIL.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned. System of Record Notice (SORN). The information received is entered into our permit tracking database and a SORN has been completed (SORN #A1145b) and may be accessed at the following website: <http://dpcld.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570115/a1145b-ce.aspx>

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE
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(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME First - Robert Middle - Last - Paglione Company - E-mail Address -	8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required) First - Benjamin Middle - Last - Wallace Sr Company - Redfish Associates E-mail Address - scaphantom@juno.com (Betsy)
6. APPLICANT'S ADDRESS: Address- 237 Bristol Rd City - Wellesley State - MA Zip - 0281 Country - USA	9. AGENT'S ADDRESS: Address- 50 Holbrook St City - Harpswell State - ME Zip - 04079 Country - USA
7. APPLICANT'S PHONE NOS. w/AREA CODE a. Residence b. Business c. Fax	10. AGENTS PHONE NOS. w/AREA CODE a. Residence b. Business c. Fax 207-729-0772

STATEMENT OF AUTHORIZATION

11. I hereby authorize, _____ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

Betsy Darling Digitally signed by Betsy Darling
Date: 2021.11.15 13:09:50 -05'00' 11/12/21
SIGNATURE OF APPLICANT DATE

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions)	
13. NAME OF WATERBODY, IF KNOWN (if applicable) Harpswell Sound	14. PROJECT STREET ADDRESS (if applicable) Address 40 Bangs Shore Rd City - Orr's Island State- ME Zip- 04066
15. LOCATION OF PROJECT Latitude: °N Longitude: °W	
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions) State Tax Parcel ID Map #32 Lot # 18 Municipality Harpswell Section - Township - Range -	

17. DIRECTIONS TO THE SITE

p/u Rte 24 S from Cook's Corner, travel 11.4 miles - turn right onto Bangs Shore Rd. In 0.2 miles, #40 is on the right

18. Nature of Activity (Description of project, include all features)

Proposed replacement of existing dock & float system with a fixed, crib supported 6'x74' dock, 3'x40' ramp and one 12'x20' float, and replacing existing 4'x16' stairs

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

To replace existing dock system in order to maintain safe access to the water.

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type Amount in Cubic Yards	Type Amount in Cubic Yards	Type Amount in Cubic Yards
-------------------------------	-------------------------------	-------------------------------

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres
or
Linear Feet

23. Description of Avoidance, Minimization, and Compensation (see instructions)

24. Is Any Portion of the Work Already Complete? ☐ Yes ☒ No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

a. Address- See Attached List of Abutters

City -

State -

Zip -

b. Address-

City -

State -

Zip -

c. Address-

City -

State -

Zip -

d. Address-

City -

State -

Zip -

e. Address-

City -

State -

Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
Town of Harpswell	Land Use Permit		11/12/21		
DEP	NRPA		11/12/21		

* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF AGENT

DATE

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

Fw: Notice of Project Review: Robert Paglione - Harpswell - NRPA Pier

Bill Wells <bwwells@town.harpswell.me.us>

Thu 12/2/2021 1:08 PM

To: Margaret McIntire <mmcintire@town.harpswell.me.us>

 14 attachments (11 MB)

PROJREV_Paglione.pdf; Paglione - Appendix A.pdf; Paglione - Appendix B.pdf; Paglione - Appendix D.pdf; Paglione - Attachment 1 - Eel Grass Survey.pdf; Paglione - Attachment 4 - USGS Map.docx; Paglione - Attachment 5 - Town Tax Map.pdf; Paglione - Attachment 6 - Diagram 1.pdf; Paglione - Attachment 7 - Diagram 2.pdf; Paglione - Attachment 8 - Photos.pdf; Paglione - Filing and Certification.pdf; Paglione - Letter of Details.docx; Paglione - Letter of Justification.docx; PaglioneACOE.pdf;

please download and print

From: Sayers, Jessica <Jessica.Sayers@maine.gov>

Sent: Wednesday, December 1, 2021 5:14 PM

To: Bill Wells <bwwells@town.harpswell.me.us>

Cc: leeann.neal@usace.army.mil <leeann.neal@usace.army.mil>; Kalinich, Jeffrey C <Jeffrey.C.Kalinich@maine.gov>; Foust, Karen L <Karen.L.Foust@maine.gov>; DMR, EnvironmentalReview <EnvironmentalReview.DMR@maine.gov>; IFWEnvironmentalreview <IFWEnvironmentalreview@maine.gov>

Subject: Notice of Project Review: Robert Paglione - Harpswell - NRPA Pier

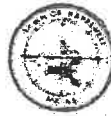
Good afternoon,

This is to notify you that the Department of Environmental Protection is currently reviewing an application for a Natural Resource Protection Act permit submitted by Robert Paglione for the construction of a residential pier system in the Town of Harpswell. The applicant should have submitted a copy of the application to the Harpswell Town office. I will be the project manager at the DEP.

If you have any comments for the Department on this project, please send those to me no later than December 23, 2021.

Thank you,
Jessica Sayers

-Jessica Sayers
Environmental Specialist
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 275-9836 | jessica.sayers@maine.gov



Code Office
NOV 29 2021

Received

TOWN OF HARPSWELL
SHORELAND USE APPLICATION

(CEO APPROVAL STICKER)

COMMENTS OR CONDITIONS OF APPROVAL

(FLOOD PLAIN APPROVAL STICKER)

NAME & ADDRESS OF CONTRACTOR/BUILDER

PHONE #

SHORELAND USE PERMITS ARE VALID FOR ONE (1) YEAR FROM THE DATE OF ISSUANCE AND
DO NOT INCLUDE ANY OTHER STATE OR FEDERAL PERMITS.

For Office Use Only: Application Received 11/29/21 Permit Fee 490 Payment Received 11/29/21
Approved By _____

PLOT PLANS, DRAWINGS AND ALL OTHER PERTINENT INFORMATION MUST ALSO BE INCLUDED WITH THIS APPLICATION FORM.
INCOMPLETE APPLICATIONS WILL NOT BE REVIEWED

Property Owner(s)

Robert Paglione

Phone

617-512-6610

Mailing Address

237 Bristol Rd. Wellesley, MA 02481

Map

32

Lot

18

Zone

SR

Applicant Name and Address ** Ben Wallace Sr. / Redfish
50 Holbrook St. Harpswell, ME 04079

Phone

207-729-0772

**Note: if the applicant is not the owner of the property, a letter of authorization from the owner(s) must accompany this application

Location or Physical Address of Site:

40 Bangs Shore Road Orr's Is.

Estimated Cost

\$58,000

ACTIVITIES THAT WILL OCCUR TO THE PROPERTY IF THIS PERMIT IS APPROVED

☐ VEGETATION REMOVAL

☐ EARTH MOVING AND OR FILLING

☐ CONSTRUCT A PIER, DOCK, WHARF OR BRIDGE

☐ INSTALL SEAWALL, RIPRAP OR ANY ACTIVITY
CONDUCTED BELOW THE HIGH WATER MARK

☐ OTHER _____

Project Description

Proposed replacement of existing dock + multi float
system with a T-fixed, crib supported 6'x79' dock
3'x90' ramp 12'x20' float

I UNDERSTAND THAT I MAY NOT START ANY PART OF MY PROJECT WITHOUT FIRST RECEIVING MY PERMIT.
I HEREBY ATTEST THAT THE ABOVE INFORMATION AND ALL SUPPLEMENTAL INFORMATION SUBMITTED WITH THIS
APPLICATION IS CORRECT TO THE BEST OF MY KNOWLEDGE. I HEREBY CERTIFY THAT THE PROPOSED WORK IS
AUTHORIZED BY THE OWNER OF RECORD AND THAT I HAVE BEEN AUTHORIZED BY THE OWNER TO MAKE THIS
APPLICATION AS HIS/HER AUTHORIZED AGENT AND WE AGREE TO CONFORM TO ALL APPLICABLE LAWS OF THIS
JURISDICTION.

Applicant Signature

Robert Paglione

Date

11/20/21

ADDITIONAL PERMITS, APPROVALS AND INSPECTIONS REQUIRED

ARMY CORPS OF ENGINEERS _____

D.E.P. _____

HARBORMASTER _____

PLANNING BOARD _____

BOARD OF APPEALS _____

SELECTMEN _____

OTHER _____

ALL OTHER PERMITS ARE REQUIRED TO BE ON FILE WITH THE CODE ENFORCEMENT OFFICE PRIOR TO THE START OF WORK.

Paglione Jobsite

Abutters

Map#32 Lot#86

7020 2450 0002 2881 4692

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee
\$ 3.75

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage
\$.58

Total Postage and Fees
\$ 4.33

Sent To
John + Gale Danko
959 Owassa Road
Newton NJ 07860

Postmark Here

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Map#34 Lot#84

7020 2450 0002 2881 4685

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
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OFFICIAL USE

Certified Mail Fee
\$ 3.75

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage
\$.58

Total Postage and Fees
\$ 4.33

Sent To
Mr. Zachary Lindsey
28 Seymour Rd.
Cris Island ME 04066

Postmark Here

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Map#32 Lot#20

7020 2450 0002 2881 4715

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee
\$ 3.75

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage
\$.58

Total Postage and Fees
\$ 4.33

Sent To
David + Laurie Haggerty
46 Bangs Shore Rd
Cris Island ME 04066

Postmark Here

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Map#32 Lot#16

7020 2450 0002 2881 4708

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee
\$ 3.75

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage
\$.58

Total Postage and Fees
\$ 4.33

Sent To
Ms. Jane Betti Trustee
321 Nashoba Rd
Concord MA 01746

Postmark Here

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

17. DIRECTIONS TO THE SITE

p/u Rte 24 S from Cook's Corner, travel 11.4 miles - turn right onto Bangs Shore Rd. In 0.2 miles, #40 is on the right

18. Nature of Activity (Description of project, include all features)

Proposed replacement of existing dock & float system with a fixed, crib supported 6'x74' dock, 3'x40' ramp and one 12'x20' float, and replacing existing 4'x16' stairs

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

To replace existing dock system in order to maintain safe access to the water.

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type Amount in Cubic Yards	Type Amount in Cubic Yards	Type Amount in Cubic Yards
-------------------------------	-------------------------------	-------------------------------

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres
or
Linear Feet

23. Description of Avoidance, Minimization, and Compensation (see instructions)

24. Is Any Portion of the Work Already Complete? ☐ Yes ☒ No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

a. Address- See Attached List of Abutters

City - State - Zip -

b. Address-

City - State - Zip -

c. Address-

City - State - Zip -

d. Address-

City - State - Zip -

e. Address-

City - State - Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
Town of Harpswell	Land Use Permit		11/12/21		
DEP	NRPA		11/12/21		

* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF AGENT

DATE

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

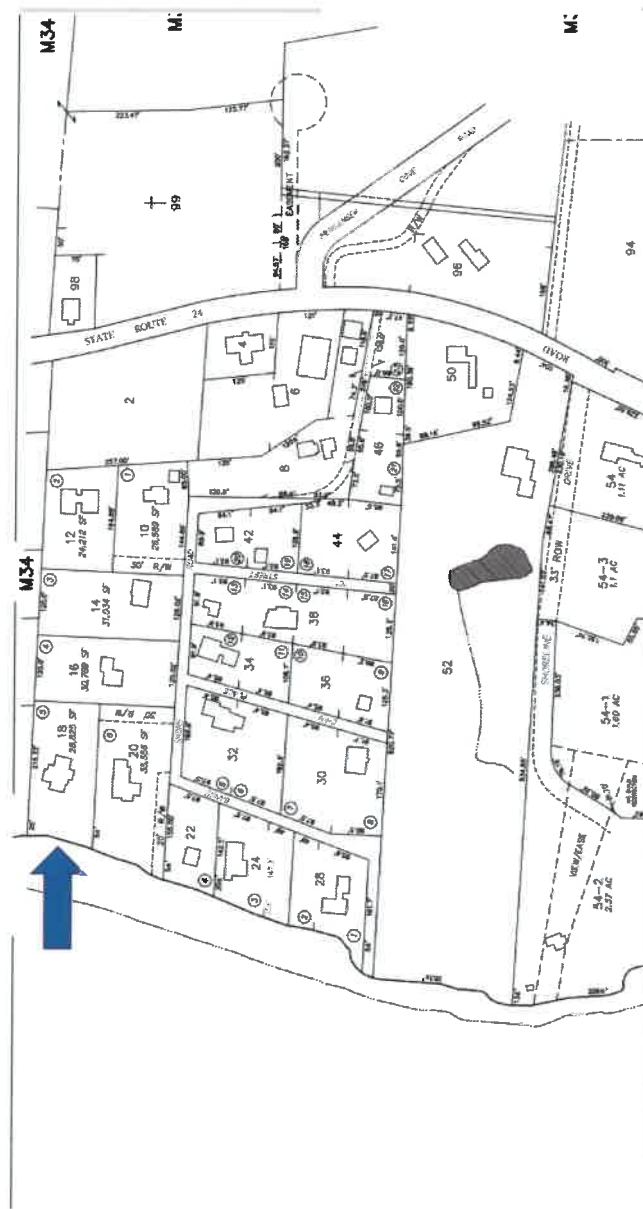
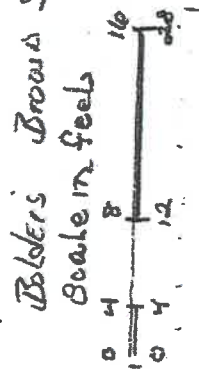
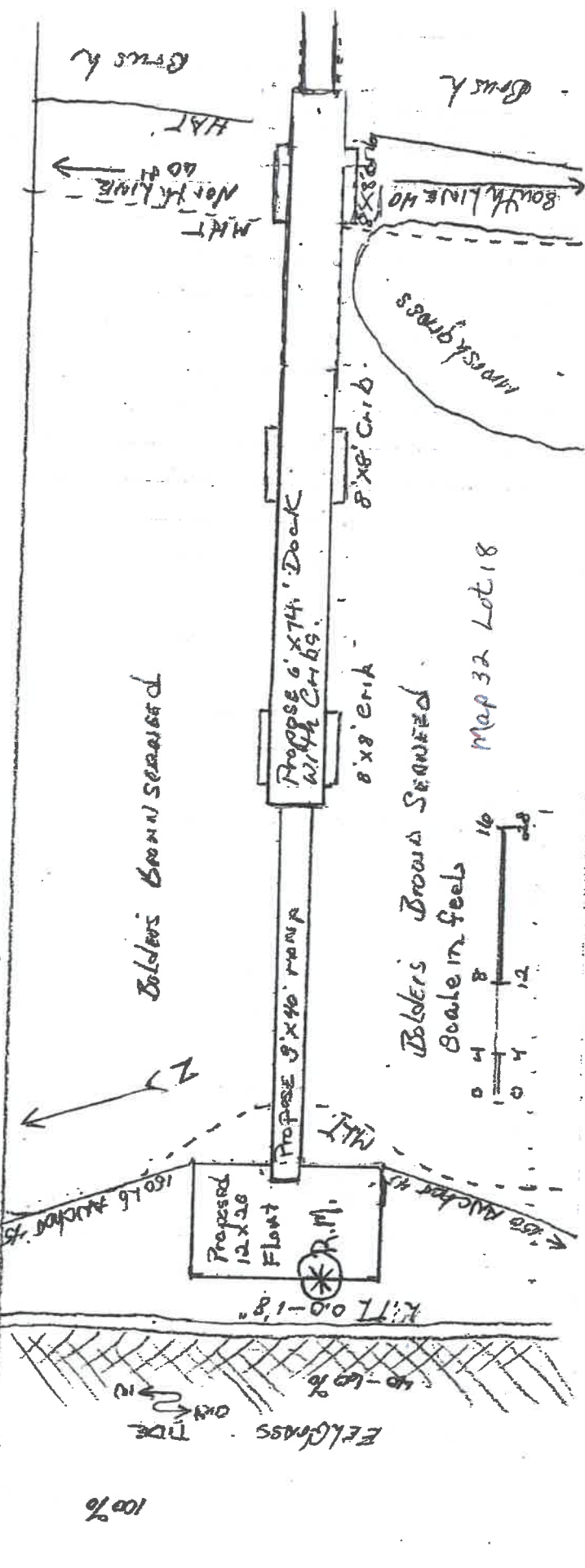
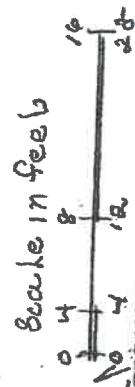
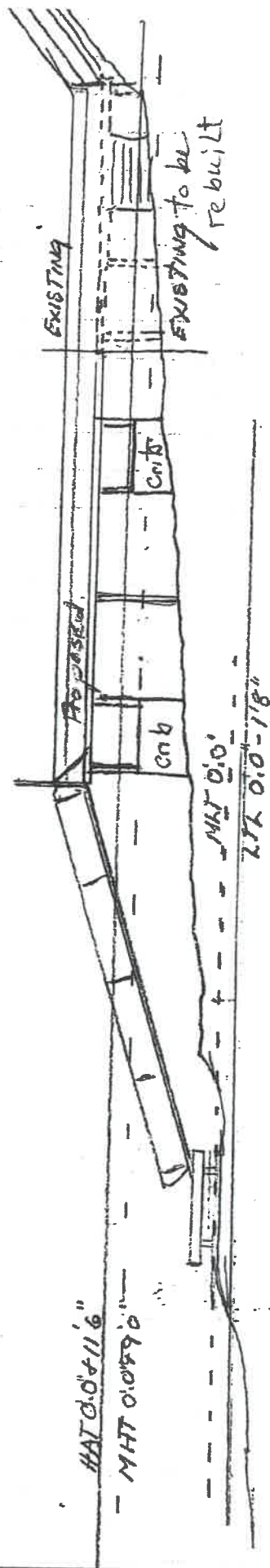


Diagram #2



Paglione – High Tide



Paglione – Low Tide



X Deed & Alta.pdf



A TRUE COPY ATTEST

**DEED OF SALE BY PERSONAL
REPRESENTATIVE (TESTATE)**
(Maine Statutory Short Form)

KNOW ALL PERSONS BY THESE PRESENTS, that I, Pamela F. Snyder, of Manitou Springs, County of El Paso, Colorado, duly appointed and acting Personal Representative of the ESTATE OF FELIX C. FOURNIER, deceased (testate), as shown by the probate records of Cumberland County, Maine, and not having given notice to each person succeeding to an interest in the real property described below at least ten (10) days prior to the sale, such notice not being required under the terms of the decedent's will, by the power conferred by the Probate Code, and every other power, for consideration paid grant to SARAH F. PAGLIONE and ROBERT R. PAGLIONE as Trustees of the BANG SHORE ROAD REALTY TRUST, whose mailing address is 237 Bristol Road, Wellesley, MA 02481-2603, the real property in Orr's Island, in the Town of Harpswell and County of Cumberland, Maine, more particularly described as follows:

SEE ATTACHED EXHIBIT A

WITNESS my hand and seal as Personal Representative this 25th day of November 2020.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Catherine J. Hellem
Witness

ESTATE OF FELIX C. FOURNIER

Pamela F. Snyder, Personal Representative

STATE OF Colorado
COUNTY OF El Paso, ss

11-25- 2020

Then personally appeared the above-named Pamela F. Snyder in her said capacity and acknowledged the foregoing instrument to be her free act and deed.

BRITTANY NICOLE WARNER
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20194040747
My Commission Expires 10-24-2023

Before me,
Brittany Warner
Notary Public/Attorney at Law

Date 2/16/2021

To Whom it Concerns:

I, Robert Paglione, owner of property at 40 Bangs Shore Rd, Orrs Isl
Maine, Tax Map # 32 Lot # 18, do hereby authorize Ben Wallace or
Betsy Darling of Redfish & Associates, Inc. to act as my agent with respect to
obtaining permits for the building of a residential dock, ramp, and float system on
my property.

Ben Wallace
Name
237 Bristol Road
Address
Wellesley MA 02481
City/State/Zip Code

10 October 2020

Re: Eel grass survey for Harpswell, Maine
Tax map 32 lot 18
40 Bangs Shore Rd,
Harpswell, Maine 04079

This is a record of the Eel grass survey conducted by Benjamin Wallace Sr of Red fish and Assoc. Inc. on the property at Harpswell tax map 32 lot 18. Two visits were made on the listed times and dates and it was noted that there was a full meadow of eel grass present.

- 1st visit
0800 8-22-20 tide -1.2
- 2nd visit
0650 09-19-20 tide -1.2

This project is a new construction project which replaces an exiting float system of 504 square feet with a new system of 240 square feet. The new float will set on two six inch by 20 foot keels with the flotation 18 inches above the mud flats.

All moorings will be set in a north south direction to avoid the eel grass.

Access to the float will be three feet above mean low tide line.

Respectfully,
Benjamin Wallace Sr.

Red fish and Associates Inc
89 B Depot Rd.
Gray, Maine 04039

Paglione Jobsite

**APPENDIX A: MDEP VISUAL EVALUATION
FIELD SURVEY CHECKLIST**
(Natural Resources Protection Act, 38 M.R.S. §§ 480 A - Z)

Name of applicant: Robert Paglione Phone: Call Agent

Application Type: NRPA

Activity Type: (brief activity description) _____

Activity Location: Town: Harpwell County: Cumberland

GIS Coordinates, if known: _____

Date of Survey: July 12, 2021 Observer: Ben Wallace Phone: 207-729-0772

	Distance Between the Proposed Visibility Activity and Resource (in Miles)		
	0-1/4	1/4-1	1+
1. Would the activity be visible from:			
A. A National Natural Landmark or other outstanding natural feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. A State or National Wildlife Refuge, Sanctuary, or Preserve or a State Game Refuge?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C. A state or federal trail?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D. A public site or structure listed on the National Register of Historic Places?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E. A National or State Park?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F. 1) A municipal park or public open space?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) A publicly owned land visited, in part, for the use, observation, enjoyment and appreciation of natural or man-made visual qualities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) A public resource, such as the Atlantic Ocean, a great pond or a navigable river?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. What is the closest estimated distance to a similar activity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. What is the closest distance to a public facility intended for a similar use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Is the visibility of the activity seasonal? (i.e., screened by summer foliage, but visible during other seasons)		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
5. Are any of the resources checked in question 1 used by the public during the time of year during which the activity will be visible?		<input checked="" type="checkbox"/> Yes (water body)	<input checked="" type="checkbox"/> No

A listing of National Natural Landmarks and other outstanding natural features in the State of Maine can be found at: www.nature.nps.gov/nnl/Registry/USA_map/states/Maine/maine.htm. In addition, unique natural areas are listed in the Maine Atlas and Gazetteer published by DeLorme.

(pink)

**APPENDIX B: MDEP COASTAL WETLAND CHARACTERIZATION:
INTERTIDAL & SHALLOW SUBTIDAL FIELD SURVEY CHECKLIST**

NAME OF APPLICANT: Robert Paglione PHONE: Call Agent
APPLICATION TYPE: NRPA
ACTIVITY LOCATION: TOWN: Harpswell COUNTY: Cumberland

ACTIVITY DESCRIPTION: ☐ fill ☐ pier ☐ lobster pound ☐ shoreline stabilization
☐ dredge ☐ other: _____

DATE OF SURVEY: July 12, 2021 OBSERVER: Ben Wallace Sr

TIME OF SURVEY: 8:30 am TIDE AT SURVEY: Low

SIZE OF DIRECT IMPACT OR FOOTPRINT (square feet):

Intertidal area: 200 cribs + piling Subtidal area: 240 float

SIZE OF INDIRECT IMPACT, if known (square feet): _____

Intertidal area: _____ Subtidal area: _____

HABITAT TYPES PRESENT (check all that apply):

☐ sand beach ☐ boulder/cobble beach ☐ sand flat ☒ mixed coarse & fines ☐ salt marsh
☐ ledge ☒ rocky shore ☐ mudflat (sediment depth, if known: 2'-8')

ENERGY: ☐ protected ☒ semi-protected ☐ partially exposed ☐ exposed

DRAINAGE: ☒ drains completely ☐ standing water ☐ pools ☐ stream or channel

SLOPE: ☐ >20% ☐ 10-20% ☒ 5-10% ☐ 0-5% ☐ variable

SHORELINE CHARACTER:

☐ bluff/bank (height from spring high tide: _____) ☐ beach ☐ rocky ☒ vegetated

FRESHWATER SOURCES: ☐ stream ☐ river ☐ wetland ☒ stormwater

MARINE ORGANISMS PRESENT:

	absent	occasional	common	abundant
mussels	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
clams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
marine worms	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
rockweed	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
eelgrass	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> survey enclosed
lobsters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SIGNS OF SHORELINE OR INTERTIDAL EROSION? ☐ yes ☒ no

PREVIOUS ALTERATIONS? ☒ yes ☐ no

CURRENT USE OF SITE AND ADJACENT UPLAND:

☐ undeveloped ☒ residential ☐ commercial ☐ degraded ☐ recreational

PLEASE SUBMIT THE FOLLOWING:

☒ Photographs ☒ Overhead drawing

(pink)

Natural Resource Protection Act Application
APPENDIX D: Project Description Worksheet for a Dock, Pier or Wharf Application.

Help us process your application more efficiently by completing this worksheet, which is supplemental to a NRPA application for a dock, pier or wharf. A completed Appendix D may be substituted for Block 14 of the application page.

THIS IS AN APPLICATION FOR A.....

☐ Commercial wharf

If yes, indicate type of commercial activity: _____

License number: _____

Number of fishermen using this wharf: _____

☐ Public pier, dock or wharf

☐ Common or shared recreational pier, dock or wharf

☐ Private recreational pier, dock or wharf

☒ Expansion or modification of an existing structure

☐ Other, please indicate: _____

TELL US ABOUT YOUR BOAT....

My boat(s) requires a draft of .5 feet. 2 Kayaks

My boat(s) is 14' feet long.

TELL US ABOUT YOUR PROJECT SITE.... For coastal piers and wharves, please complete Appendix B of the NRPA application. For freshwater docks, please describe the substrate and any vegetation: _____

SCENIC CONSIDERATIONS... Please complete Appendix A of the NRPA application.

WHAT FACILITIES ARE NEARBY? N/A Replacement Structure

The nearest public boat launch is located in _____ approximately _____ miles from the project location.
(town) (distance)

The nearest public, commercial, or private marina is located in _____ approximately _____ miles from the project location.
(distance) (town)

☐ I have inquired about slip or mooring availability at the nearest marina or public facility.

☐ Yes, a slip or mooring is available.

☐ No, a slip or mooring is not available.

Approximate expected time on waiting list: _____

☐ I have contacted the local Harbor Master.

Name: _____ Phone: _____

I currently use the following for my boat: ☐ Mooring ☐ Marina



TELL US ABOUT YOUR PROPOSED PIER, DOCK OR WHARF...

MATERIALS:

- ☒ The structure will be supported by pilings.
_____ pilings of _____ inches in diameter
- ☐ The structure will be supported by stacked, flow-through granite cribs.
_____ blocks, measuring _____ feet by _____ feet
- ☐ The structure will be supported by solid fill.
_____ square feet of solid fill
- ☒ Other: three 8' x 8' stone filled wooden cribs

DIMENSIONS:

Length of fixed section: _____ feet
Width of fixed section: 74 feet
Length of ramp: 6 feet
Dimensions of float: 40 feet
Distance the structure will extend below mean low water (MLW): 12 feet wide by 20 feet long
Depth of water at the fixed end of the structure: 0 feet
Depth of water at the float at low tide: 12 feet
Depth of water at the float at high tide: 0 feet
Dimensions of any proposed buildings (e.g. bait shed): NA
_____ feet high by _____ feet wide by _____ feet long

ACCESS:

During construction, my project site will be accessed via:

- ☐ Land
- ☐ Beach/intertidal area
- ☒ Water/barge

Department of Environmental Protection
Bureau of Land & Water Quality
17 State House Station
Augusta, Maine 04333
Telephone: 207-287-7688

FOR DEP USE

ATS # _____

L- _____

Total Fees: _____

Date: Received _____

APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

→ PLEASE TYPE OR PRINT IN BLACK INK ONLY

1. Name of Applicant: Robert Paglione		5. Name of Agent: Ben Wallace Sr/Redfish							
2. Applicant's Mailing Address: 237 Bristol Rd, Wellesley, MA 02481		6. Agent's Mailing Address: 50 Holbrook St, Harpswell, ME 04079							
3. Applicant's Daytime Phone #: Call Agent		7. Agent's Daytime Phone #: 207-729-0772							
4. Applicant's Email Address (Required from either applicant or agent):		8. Agent's Email Address: seaphantom@juno.com (Betsy's)							
9. Location of Activity: (Nearest Road, Street, Rt.#) 40 Bangs Shore Rd		10. Town: Orr's Island							
		11. County: Cumberland							
12. Type of Resource: (Check all that apply) <input type="checkbox"/> River, stream or brook <input type="checkbox"/> Great Pond <input checked="" type="checkbox"/> Coastal Wetland <input type="checkbox"/> Freshwater Wetland <input type="checkbox"/> Wetland Special Significance <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Fragile Mountain		13. Name of Resource: Harpswell Sound							
		14. Amount of Impact: (Sq.Ft.) Fill: Dredging/Veg Removal/Other: 708							
15. Type of Wetland: (Check all that apply) <input type="checkbox"/> Forested <input type="checkbox"/> Scrub Shrub <input type="checkbox"/> Emergent <input type="checkbox"/> Wet Meadow <input type="checkbox"/> Peatland <input checked="" type="checkbox"/> Open Water <input type="checkbox"/> Other _____		FOR FRESHWATER WETLANDS <table border="1"> <thead> <tr> <th>Tier 1</th> <th>Tier 2</th> <th>Tier 3</th> </tr> </thead> <tbody> <tr> <td> <input type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft <input type="checkbox"/> 10,000-14,999 sq ft </td> <td> <input type="checkbox"/> 15,000 - 43,560 sq. ft. </td> <td> <input type="checkbox"/> > 43,560 sq. ft. or smaller than 43,560 sq. ft., not eligible for Tier 1 </td> </tr> </tbody> </table>		Tier 1	Tier 2	Tier 3	<input type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft <input type="checkbox"/> 10,000-14,999 sq ft	<input type="checkbox"/> 15,000 - 43,560 sq. ft.	<input type="checkbox"/> > 43,560 sq. ft. or smaller than 43,560 sq. ft., not eligible for Tier 1
Tier 1	Tier 2	Tier 3							
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16. Brief Activity Description: Proposed replacement of existing dock & float system with a fixed, crib supported 6'x74' dock, 3'x40' ramp and one 12'x20' float, and replacing existing 4'x16' stairs									
17. Size of Lot or Parcel & UTM Locations: <input type="checkbox"/> _____ square feet, or <input type="checkbox"/> 0.63 acres		UTM Northing: _____ UTM Easting: _____							
18. Title, Right or Interest: <input checked="" type="checkbox"/> own <input type="checkbox"/> lease <input type="checkbox"/> purchase option <input type="checkbox"/> written agreement									
19. Deed Reference Numbers: Book# _____ Page: _____		20. Map and Lot Numbers: Map #: 32 Lot #: 18							
21. DEP Staff Previously Contacted: N/A		22. Part of a larger project: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No							
23. Resubmission of Application?: <input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No		If yes, previous application # N/A							
		Previous project manager: N/A							
24. Written Notice of Violation?: <input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No		If yes, name of DEP enforcement staff involved: N/A							
		25. Previous Wetland Alteration: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No							
26. Detailed Directions to the Project Site: p/u Rte 24 S from Cook's Corner, travel 11.4 miles - turn right onto Bangs Shore Rd. In 0.2 miles, #40 is on the right									
27. TIER 1		TIER 2/3 AND INDIVIDUAL PERMITS							
<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Narrative Project Description <input type="checkbox"/> Plan or Drawing (8 1/2" x 11") <input type="checkbox"/> Photos of Area <input type="checkbox"/> Statement of Avoidance & Minimization <input type="checkbox"/> Statement/Copy of cover letter to MHPC		<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Copy of Public Notice/Public Information Meeting Documentation <input type="checkbox"/> Wetlands Delineation Report (Attachment 1) that contains the information listed under Site Conditions <input type="checkbox"/> Alternatives Analysis (Attachment 2) including description of how wetland impacts were Avoided/Minimized <input type="checkbox"/> Erosion Control/Construction Plan <input type="checkbox"/> Functional Assessment (Attachment 3), if required <input type="checkbox"/> Compensation Plan (Attachment 4), if required <input type="checkbox"/> Appendix A and others, if required <input type="checkbox"/> Statement/Copy of cover letter to MHPC <input type="checkbox"/> Description of Previously Mined Peatland, if required							
28. FEES Amount Enclosed: \$543									

CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2

IMPORTANT: IF THE SIGNATURE BELOW IS NOT THE APPLICANT'S SIGNATURE, ATTACH LETTER OF AGENT AUTHORIZATION SIGNED BY THE APPLICANT.

By signing below the applicant (or authorized agent), certifies that he or she has read and understood the following :

DEP SIGNATORY REQUIREMENT

PRIVACY ACT STATEMENT

Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require permits authorizing activities in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor a permit be issued.

CORPS SIGNATORY REQUIREMENT

USC Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry shall be fines not more than \$10,000 or imprisoned not more than five years or both. I authorize the Corps to enter the property that is subject to this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein.

DEP SIGNATORY REQUIREMENT

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Further, I hereby authorize the DEP to send me an electronically signed decision on the license I am applying for with this application by emailing the decision to the address located on the front page of this application (see #4 for the applicant and #8 for the agent)."

Betsy Darling Digitally signed by Betsy Darling
Date: 2021.11.15 13:08:00 -05'00'

Date: **11/12/2021**

SIGNATURE OF AGENT/APPLICANT

NOTE: Any changes in activity plans must be submitted to the DEP and the Corps in writing and must be approved by both agencies prior to implementation. Failure to do so may result in enforcement action and/or the removal of the unapproved changes to the activity.

**PUBLIC NOTICE:
NOTICE OF INTENT TO FILE**

08/08

Please take notice that

Robert Paglione ph # 617-512-6610
237 Bristol Road, Wellesley, MA 02481
(Name, Address and Phone # of Applicant)

is intending to file a Natural Resources Protection Act permit application with the Maine Department of Environmental Protection pursuant to the provisions of 38 M.R.S.A. §§ 480-A thru 480-BB on or about

Nov. 1, 2021
(anticipated filing date)

The application is for

A replacement of Existing dock + float system with
a fixed, crib supported 6' x 74' dock, 3' x 40' ramp and one
12' x 20' Float
(description of the project)

at the following location:

40 Bangs Shore Road Orr's Island
(project location)

A request for a public hearing or a request that the Board of Environmental Protection assume jurisdiction over this application must be received by the Department in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. A public hearing may or may not be held at the discretion of the Commissioner or Board of Environmental Protection. Public comment on the application will be accepted throughout the processing of the application.

For Federally licensed, permitted, or funded activities in the Coastal Zone, review of this application shall also constitute the State's consistency review in accordance with the Maine Coastal Program pursuant to Section 307 of the federal Coastal Zone Management Act, 16 U.S.C. § 1456. (Delete if not applicable.)

The application will be filed for public inspection at the Department of Environmental Protection's office in (Portland, Augusta or Bangor) (circle one) during normal working hours. A copy of the application may also be seen at the municipal offices in Harpswell, Maine.
(town)

Written public comments may be sent to the regional office in Portland, Augusta, or Bangor where the application is filed for public inspection:

MDEP, Central Maine Regional Office, 17 State House Station, Augusta, Maine 04333
MDEP, Southern Maine Regional Office, 312 Canco Road, Portland, Maine 04103
MDEP, Eastern Maine Regional Office, 106 Hogan Road, Bangor, Maine 04401

PUBLIC NOTICE FILING AND CERTIFICATION

Department Rules, Chapter 2, require an applicant to provide public notice for all Tier 2, Tier 3 and individual Natural Resources Protect Act projects. In the notice, the applicant must describe the proposed activity and where it is located. "Abutter" for the purposes of the notice provision means any person who owns property that is BOTH (1) adjoining and (2) within one mile of the delineated project boundary, including owners of property directly across a public or private right of way.

1. **Newspaper:** You must publish the Notice of Intent to File in a newspaper circulated in the area where the activity is located. The notice must appear in the newspaper within 30 days prior to the filing of the application with the Department. You may use the attached Notice of Intent to File form, or one containing identical information, for newspaper publication and certified mailing.
2. **Abutting Property Owners:** You must send a copy of the Notice of Intent to File by certified mail to the owners of the property abutting the activity. Their names and addresses can be obtained from the town tax maps or local officials. They must receive notice within 30 days prior to the filing of the application with the Department.
3. **Municipal Office:** You must send a copy of the Notice of Intent to File and a **duplicate of the entire application** to the Municipal Office.

ATTACH a list of the names and addresses of the owners of abutting property.


CERTIFICATION

By signing below, the applicant or authorized agent certifies that:

5. A Notice of Intent to File was published in a newspaper circulated in the area where the project site is located within 30 days prior to filing the application;
6. A certified mailing of the Notice of Intent to File was sent to all abutters within 30 days of the filing of the application;
7. A certified mailing of the Notice of Intent to File, and a duplicate copy of the application was sent to the town office of the municipality in which the project is located; and
8. Provided notice of and held a public informational meeting, if required, in accordance with Chapter 2, Rules Concerning the Processing of Applications, Section 13, prior to filing the application. Notice of the meeting was sent by certified mail to abutters and to the town office of the municipality in which the project is located at least ten days prior to the meeting. Notice of the meeting was also published once in a newspaper circulated in the area where the project site is located at least seven days prior to the meeting.

The Public Informational Meeting was held on N/A
Date

Approximately N/A members of the public attended the Public Informational Meeting.


Signature of Applicant or authorized agent

11/12/21
Date

DEP
Army Corp

RE: Robert Paglione Jobsite
Harpswell Map 32, Lot 18

Activity Description

Proposed construction of a replacement of residential dock system. This project will have five components and will not use the same footprint.

1. A replacement of existing 4'X16' stairs with same
2. A replacement of existing 8'X12' deck and existing 6'X22' dock with a single 6'X74' dock
3. A replacement of existing 8'X8' crib with same plus an additional two 8'X8' stone filled cribs.
4. A 3'X40' seasonal ramp
5. A 12'X20' seasonal float with keels and moorings to avoid the Eel grass. This single float will replace the three 6'X28' existing floats.

Alternate Analysis

This jobsite was already chosen because it is a replacement of an existing structure, with modifications.

Construction Details

As stated in Appendix D, the materials will be brought by barge to the jobsite. Work on this project will be between tides, from half tide, through low tide, and halfway back to high tide. The contractor begins construction of the dock at the upland side, cribs first, then the decking, then the railing posts. The seasonal ramp and float are built off site and brought to the jobsite by barge. The seasonal ramp will be placed on the dock for winter storage and the seasonal float will be trailered for winter storage.

For this project all wood will be Pressure Treated Southern Yellow Pine. All bolts, nails, chains, and anchors will be galvanized steel.

There is also a detailed description of the proposed replacement in the letter of justification.

Erosion Control

There will be very minimal soil disturbance to the intertidal area during construction of the dock, only what is needed for the cribs.

There will be no trees < 3" cut for this proposed construction.

All materials and tools come by barge and stay on the barge. There is foot traffic only on the beach and the intertidal area. No activity or materials are brought across the upland. The contractor recognizes that any fixed structure has an impact on the environment. Because of this he always proposes the minimum structure necessary to get the landowners over the substrate and limit the area of impact.

Site Condition

Ben Wallace has more than 30 years' experience with dock building and deciphering the wetlands. He always fills out the Appendix B. He recognizes that this jobsite has marsh grass, nearby. The proposed structure will conform to the 6 foot clearance required by the DEP for height and impact over the marsh grass. The marsh grass is a high valued habitat and the height of the dock is very important to prevent shading. Also there is an Eel grass bed that he has avoided disturbing by putting the moorings in a north/south position. He has also submitted an Eel grass survey.

EXHIBIT A

A certain lot or parcel of land with any buildings thereon situated on Orr's Island in the Town of Harpswell, County of Cumberland and State of Maine, and bounded and described as follows:

Being Lot #5 of a Plan of Property on Orr's Island, Harpswell, Maine, for M.R.A. Corporation, Leon Kendall, President, surveyed by William M. Coombs, dated June 1980 and recorded in the Cumberland County Registry of Deeds in Plan Book 128, Page 63, to which plan reference is hereby made for a more particular description.

Also conveying herewith a right of way for ingress and egress by foot and vehicle from a certain road or right of way across Lot #6 of said Plan in Plan Book 128, Page 63, to said Lot #5; said right of way being 30' wide and being along the Southeasterly boundary of said Lot #6 along its common boundary with Lot #4.

Also conveying herewith a right of way in common with others across said Lot #6 from the Bangs Road, or right of way, so-called, to the shore of Harpswell Sound, said right of way hereby granted being shown on said Plan as a "20' Walking R/W".

The above described premises are also conveyed subject to the following restrictions:

1. No mobile home may be placed on said Lot.
2. Hardwood trees existing as of August 31, 1982 on said lot may be left standing or cut down. Any newly planted trees from such date must be kept to a height which will not obscure the back lots' view of Harpswell Sound.
3. Only one story buildings may be erected on said lot or moved onto said lot.
4. State of Maine and Town of Harpswell laws and regulations relating to underground waste disposal systems and water and well systems must be adhered to.

Also conveying all the right, title and interest of the Grantor in and to the flats and land lying between the high and low water marks on Harpswell sound abutting and adjacent to the above described premises.

For source of title reference is hereby made to a deed from M.R.A. Corp. to Felix C. Fournier dated August 31, 1982 and recorded in the Cumberland County Registry of Deeds in Book 5028, Page 239.